

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

LATONIA SMITH,

Defendant.

Case No. 2:19-cr-00304-RFB-NJK

**EMERGENCY ORDER**

Before the Court is Latonia Smith's Emergency Motion to Compel [ECF No. 136]. Based on the Motion, the Court finds that Smith has recently been denied necessary access to her attorney in preparation for the hearing scheduled for January 21. Smith has not been able to effectively communicate with her attorney since January 12, 2021—which was the only meaningful interaction for more than two weeks. The Court further finds that Federal Medical Center in Ft. Worth, Texas has not provided Smith's counsel with an appropriate address for her to receive legal mail and that, in fact, counsel was provided with an inaccurate mailing address. Staff have also provided inconsistent and contradictory information about when and how Smith can communicate with her attorney. The Court finally finds that Smith is legally and constitutionally required to have meaningful access to her attorney in preparation for the competency hearing and that she has not had this required communication with her counsel.

Accordingly,

**IT IS THEREFORE ORDERED** that the Emergency Motion to Compel [ECF No. 136] is **GRANTED**. The Court **ORDERS** the Federal Medical Center in Ft. Worth, Texas, where Smith is detained shall arrange her to have *two separate sessions of two hours each* with her counsel. These sessions must occur by videoconference or by telephone. These conferences

1 may NOT be overheard by facility staff. Such sessions must be coordinated with counsel's  
2 schedule and must occur prior to **January 20, 2021 9:00 p.m. PST.**

3 **IT IS FURTHER ORDERED** that the Federal Medical Center shall provide Smith's  
4 counsel with an accurate address where Smith can receive legal mail.

5 **IT IS FURTHER ORDERED** that the Warden of this facility is directed to ensure that  
6 this Court's court is complied with by the FMC in Ft. Worth. Failure to comply with this order  
7 may result in monetary or other coercive and punitive sanctions directed at the BOP and the  
8 Warden.

9 **IT IS FURTHER ORDERED** that government counsel is directed to provide a copy of  
10 this Order on the appropriate regional counsel for the Bureau of Prisons which represents the  
11 FMC in Ft. Worth.

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13 **DATED:** January 19, 2021.

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17 RICHARD F. BOULWARE, II  
18 UNITED STATES DISTRICT JUDGE  
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